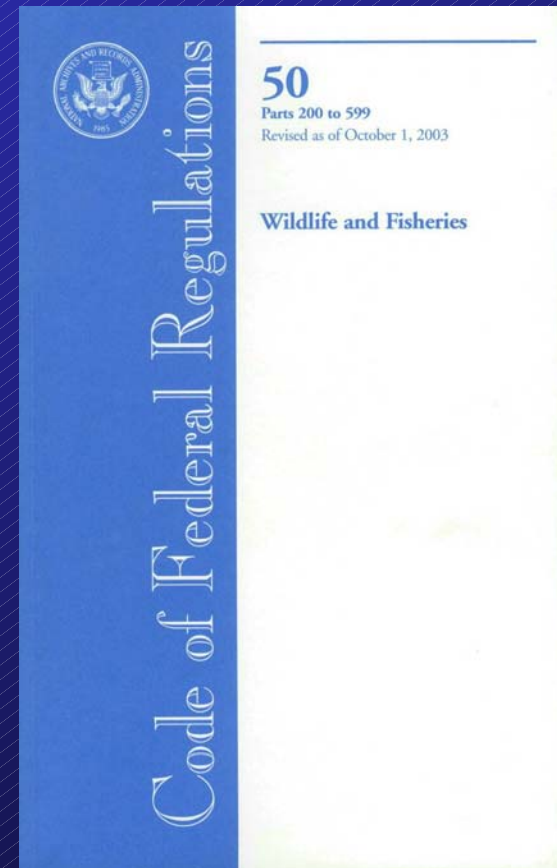


Minimum Approach Regulation

- Commonly referred to as 500-Yard Rule
- See 50 CFR 224.103(c) for actual language



Minimum Approach Regulations -Prohibitions

- Approach (including by interception) within 500 yards of a right whale by vessel, aircraft, or any other means
- Failure to undertake required right whale avoidance measures specified under paragraph (b)(2)

What Are RW Avoidance Measures Under This Rule?

- If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.
- An aircraft must take a course away from the right whale and immediately leave the area at a constant airspeed.

RW Avoidance Measures -- Exceptions

(Vessel operator must prove that one of the following exceptions applies)

- If authorized by NMFS via permit
- Compliance would create an imminent and serious threat to a person, vessel, or aircraft.

RW Avoidance Measures – Exceptions (con't)

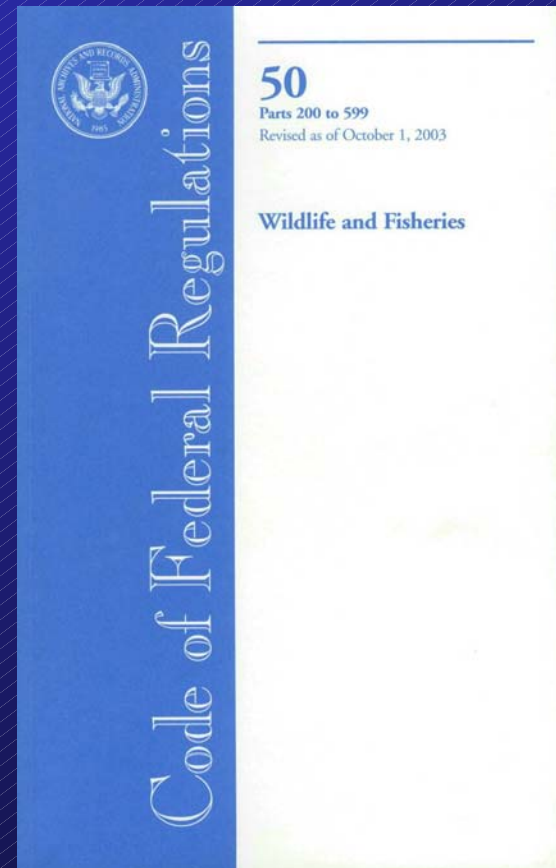
- When approaching to investigate a right whale entanglement or injury, or to assist in the disentanglement or rescue of a right whale, provided that permission is received from NMFS or designee prior to the approach.

RW Avoidance Measures – Exceptions (con't)

- To the extent that a vessel is restricted in her ability to maneuver and, because of the restriction cannot comply

Minimum Approach Violation

- Under the ESA
- Civil penalties up to \$27.5K
- Criminal penalties up to \$55K



Reasons for 500-Yard Approach Rule

- Consult FR Notice (NPR & IFR)
 - 9 mortalities in 12 mos prior to NPR
 - Reduce Disturbance
 - Alter behavior
 - Displace m/c pairs
 - Break up food resource
 - Reduce potential for vessel interaction and injury

Federal Register / Vol. 62, No. 30 / Thursday, February 13, 1997 / Rules and Regulations 6729

for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA, 42 U.S.C. 7607(b)(2).)

Under 5 U.S.C. 801(a)(1)(A) added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 58

Environmental protection, Air pollution control, Intergovernmental relations.

Dated January 21, 1997.

A. Stanley Mielberg,

Acting Regional Administrator.

Part 58 of chapter 1, title 40 of the Code of Federal Regulations is amended as follows:

PART 58—[AMENDED]

1. The authority citation for part 58 is revised to read as follows:

Authority: 42 U.S.C. 7410, 7601(a), 7613, 7619.

Appendix D—[Amended]

2. In Appendix D, the table in section 2.5 is amended by revising the entries for Alabama, Georgia, and Mississippi to read as follows:

Appendix D—Network Design for State and Local Air Stations (SLAMS), National Air Monitoring Stations (NAMS), and Photochemical Assessment Monitoring Stations (PAMS).

2.5 * * * *

OZONE MONITORING SEASON BY STATE

State	Begin month	End month
Alabama	Apr	Oct
Georgia	Apr	Oct
Mississippi	Apr	Oct

[FR Doc. 97-3520 Filed 2-12-97; 8:45 am]

BELLING CODE 6502-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AD69

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Supplemental

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final Rule.

SUMMARY: The Fish and Wildlife Service (hereinafter Service) is supplementing the rule prescribing the late open season, hunting hours, hunting areas, and daily bag and possession limits for general waterfowl seasons in South Dakota that appeared in the Federal Register on September 27, 1996 (61 FR 50738).

DATE: Effective on February 13, 1997.

FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW, Washington, DC 20240, (703) 358-1714.

SUPPLEMENTARY INFORMATION: In the September 27, 1996, Federal Register (61 FR 50738), the Service published a final rule prescribing the late open season, hunting hours, hunting areas, and daily bag and possession limits for general waterfowl seasons and certain other migratory bird seasons in the conterminous United States. Public comment was received on the proposed rules for the seasons and limits contemplated herein. These comments were addressed in the Federal Registers dated August 29, 1996, (61 FR 45836) and September 26, 1996 (61 FR 50662). This supplement involves no change in substance in the contents of the prior proposed and final rules. In the case of South Dakota, the State has elected to select the remaining allowable hunt days permitted under the existing frameworks for snow geese.

Dated February 3, 1997.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

PART 20—[AMENDED]

For the reasons set out in the preamble, title 50, chapter I, subchapter B, Part 20, subpart K is amended as follows:

1. The authority citation for Part 20 continues to read as follows:

AUTHORITY: 16 U.S.C. 703-712 and 16 U.S.C. 742 a-1.

§ 20.105 [Amended]

2. In Section 20.105, paragraph (e) is amended by revising the Season Dates for South Dakota, subheading Light Geese, to read "Sept. 28-Dec. 22 & Feb. 18-Mar. 10."

[FR Doc. 97-3657 Filed 2-12-97; 8:45 am]

BELLING CODE 6719-65-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217 and 222

[Docket No. 960730211-7020-02; I.D. 0722548]

RIN 0648-AJ03

North Atlantic Right Whale Protection

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule.

SUMMARY: Disturbance is identified in the Final Recovery Plan for the Northern Right Whale (Recovery Plan) as among the principal human-induced factors impeding recovery of the northern right whale (*Eubalaena glacialis*) (NMRW, 1991). NMFS is issuing this interim final rule to restrict approaches within 500 yards (460 m) of a right whale, whether by vessel, aircraft or other means, in an attempt to reduce the current level of disturbance and the potential for vessel interaction and injury. This rule requires right whale avoidance measures if a vessel or aircraft is within the 500-yard (460 m) restricted area. Generally, vessels are required to immediately depart from the area at a slow, safe speed in a direction away from the whale. Exceptions are provided for emergency situations, where certain authorizations are provided for aircraft operations (unless the aircraft is conducting whale watch activities), for certain right whale disentanglement/rescue efforts and investigations, and for a vessel restricted in its ability to maneuver and unable to comply with the right whale avoidance measures.

EFFECTIVE DATE: March 17, 1997.

FOR FURTHER INFORMATION CONTACT: Margot Bohan, NMFS/PPR, 301-713-2322; Doug Beach, NMFS/Northeast Regional Office, 508-281-9254; or

Reasons for 500-Yard Approach Rule

- Avoidance reactions to disturbance may be most significant for calves, or females with calves
- Reproducing females are reproductive core of the population and essential for recovery
- Vessel activity may displace m/c pairs from nearshore waters or interrupt nursing or similar behavior
- Calves have been observed to exhibit avoidance behavior in response to the sound of vessels

Federal Register / Vol. 62, No. 30 / Thursday, February 13, 1997 / Rules and Regulations 6729

for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA, 42 U.S.C. 7607(b)(2).)

Under 2 U.S.C. 801(a)(1)(A) added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 58
Environmental protection, Air pollution control, Intergovernmental relations.

Dated January 21, 1997.
A. Stanley Mielberg,
Acting Regional Administrator.

Part 58 of chapter 1, title 40 of the Code of Federal Regulations is amended as follows.

PART 58—[AMENDED]
1. The authority citation for part 58 is revised to read as follows:
Authority: 42 U.S.C. 7410, 7601(a), 7613, 7619.

Appendix D—[Amended]
2. In Appendix D, the table in section 2.5 is amended by revising the entries for Alabama, Georgia, and Mississippi to read as follows:

Appendix D—Network Design for State and Local Air Stations (SLAMS), National Air Monitoring Stations (NAMS), and Photochemical Assessment Monitoring Stations (PAMS).

2.5 * * * *

OZONE MONITORING SEASON BY STATE		
State	Begin month	End month
Alabama	Apr	Oct
Georgia	Apr	Oct
Mississippi	Apr	Oct

[FR Doc. 97-3520 Filed 2-12-97; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 20
RIN 1018-AD69
Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Supplemental
AGENCY: Fish and Wildlife Service, Interior.
ACTION: Final Rule.

SUMMARY: The Fish and Wildlife Service (hereinafter Service) is supplementing the rule prescribing the late open season, hunting hours, hunting areas, and daily bag and possession limits for general waterfowl seasons in South Dakota that appeared in the Federal Register on September 27, 1996 (61 FR 50738).

DATE: Effective on February 13, 1997.
FOR FURTHER INFORMATION CONTACT: Paul R. Schmidt, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, ms 634—ARLSQ, 1849 C Street, NW, Washington, DC 20240, (703) 358-1774.

SUPPLEMENTARY INFORMATION: In the September 27, 1996, Federal Register (61 FR 50738), the Service published a final rule prescribing the late open season, hunting hours, hunting areas, and daily bag and possession limits for general waterfowl seasons and certain other migratory bird seasons in the continental United States. Public comment was received on the proposed rules for the seasons and limits contemplated herein. These comments were addressed in the Federal Register dated August 29, 1996, (61 FR 45836) and September 26, 1996 (61 FR 50662). This supplement involves no change in substance in the contents of the prior proposed and final rules. In the case of South Dakota, the State has elected to select the remaining allowable hunt days permitted under the existing frameworks for snow geese.

Dated February 3, 1997.
George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

PART 20—[AMENDED]
For the reasons set out in the preamble, title 20, chapter I, subchapter B, Part 20, subpart K is amended as follows:
1. The authority citation for Part 20 continues to read as follows:

AUTHORITY: 16 U.S.C. 703-712 and 16 U.S.C. 742 a- j.

§ 20.105 [Amended]
2. In Section 20.105, paragraph (e) is amended by revising the Season Dates for South Dakota, subheading Light Geese, to read "Sept. 28-Dec. 22 & Feb. 18-Mar. 10."
[FR Doc. 97-3657 Filed 2-12-97; 8:45 am]
BILLING CODE 4710-45-P

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Parts 217 and 222
[Docket No. 960730211-7020-02; I.D. 0722548]
RIN 0648-AJ03
North Atlantic Right Whale Protection
AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.
ACTION: Interim final rule.

SUMMARY: Disturbance is identified in the Final Recovery Plan for the Northern Right Whale (Recovery Plan) as among the principal human-induced factors impeding recovery of the northern right whale (*Eubalaena glacialis*) (NMRW, 1991). NMFS is issuing this interim final rule to restrict approaches within 500 yards (460 m) of a right whale, whether by vessel, aircraft or other means, in an attempt to reduce the current level of disturbance and the potential for vessel interaction and injury. This rule requires right whale avoidance measures if a vessel or aircraft is within the 500-yard (460 m) restricted area. Generally, vessels are required to immediately depart from the area at a slow, safe speed in a direction away from the whale. Exceptions are provided for emergency situations, where certain authorizations are provided for aircraft operations (unless the aircraft is conducting whale watch activities), for certain right whale disentanglement/rescue efforts and investigations, and for a vessel restricted in its ability to maneuver and unable to comply with the right whale avoidance measures.

EFFECTIVE DATE: March 17, 1997.
FOR FURTHER INFORMATION CONTACT: Margot Bohan, NMFS/PPR, 301-713-2322; Doug Beach, NMFS/Northeast Regional Office, 508-281-9254; or

Reasons for 500-Yard Approach Rule

- Habituation to vessels may make RWs vulnerable to vessel collisions or other adverse impacts
- In the SE US, vessel traffic and fisheries are the major activities
 - Major commercial shipping and military activity
 - Recreational boating traffic is also fairly extensive.

Federal Register / Vol. 62, No. 30 / Thursday, February 13, 1997 / Rules and Regulations 6729

for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA, 42 U.S.C. 7607(b)(2).)

Under 2 U.S.C. 801(a)(1)(A) added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

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2.5 * * *

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[FR Doc. 97-3520 Filed 2-12-97; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 20
RIN 1018-AD69

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Supplemental

AGENCY: Fish and Wildlife Service, Interior.
ACTION: Final Rule.

SUMMARY: The Fish and Wildlife Service (hereinafter Service) is supplementing the rule prescribing the late open season, hunting hours, hunting areas, and daily bag and possession limits for general waterfowl seasons in South Dakota that appeared in the Federal Register on September 27, 1996 (61 FR 50738).

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SUPPLEMENTARY INFORMATION: In the September 27, 1996, Federal Register (61 FR 50738), the Service published a final rule prescribing the late open season, hunting hours, hunting areas, and daily bag and possession limits for general waterfowl seasons and certain other migratory bird seasons in the continental United States. Public comment was received on the proposed rules for the seasons and limits contemplated herein. These comments were addressed in the Federal Register dated August 29, 1996, (61 FR 45836) and September 26, 1996 (61 FR 50662). This supplement involves no change in substance in the contents of the prior proposed and final rules. In the case of South Dakota, the State has elected to select the remaining allowable hunt days permitted under the existing frameworks for snow geese.

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[FR Doc. 97-3657 Filed 2-12-97; 8:45 am]
BILLING CODE 4710-45-P

DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
50 CFR Parts 217 and 222
[Docket No. 960730211-7020-02; I.D. 0722548]

RIN 0648-AJ03
North Atlantic Right Whale Protection

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.
ACTION: Interim final rule.

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EFFECTIVE DATE: March 17, 1997.
FOR FURTHER INFORMATION CONTACT: Margot Bolan, NMFS/PPR, 301-713-2322; Doug Beach, NMFS/Northeast Regional Office, 508-281-9254; or

Reasons for 500-Yard Approach Rule

- Most important segment of population
- If recovery is achieved, it will start here
- M/C pairs must bond, calves need to strengthen for northward migration
- Newborn calf maneuverability is lacking
- Energetically drained
 - Extremely compromised state of health



Prudent Vessel Operations

- Assume RWs are present Nov 15 to Apr 15
- Consult NOAA Weather Radio, USCG Notums, etc.
- NOAA Fisheries recommends speeds < 12 knots when consistent with safe navigation
- Wear polarized sun glasses, be alert, and look for indirect clues to RW presence
- Avoid transits during poor visibility (fog, night, etc.)
- If you see a RW, stay back 500 yards